

Interview Summary

Application No.

09/375,248

Applicant(s)

FERRELL ET AL.

Examiner

BJ Forman

Art Unit

1634

All participants (applicant, applicant's representative, PTO personnel):

(1) BJ Forman.

(3) _____

(2) Nabeela McMillian.

(4) _____

Date of Interview: 17 July 2002.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: 14-21.

Identification of prior art discussed: _____

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The examiner informed Ms. McMillian that Claims 14-21 previous indicated as allowable are not allowable because they read on prior art not cited by Examiner Sorbello. Ms. McMillian requested that copies of the prior art be sent by FAX so that she could consult with Applicant.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Art Unit: 1634

Ms. McMillian;

I'm including the prior art references and a very brief discussion of how the claims read on the prior art. Please feel free to call me to discuss these issues. I need to act on this case early next week. The method claims 1-11 are allowable over the prior art. However, I would suggest an added limitation to Claim 1. Examiner Sorbello added the limitation "when compared to said amino acid without said mutation". It should read "when compared to wild-type amino acid".

The prior art includes:

Brennan (U.S. Patent No. 5,474,796, Example 4, Columns 9-10) discloses an oligonucleotide and an array comprising probes complementary to a portion of SEQ ID NO: 1 except for one nucleotide difference (Claims 14-17, 20 & 21) because they disclose oligonucleotides and array comprising all possible 10-mers.

Lawrence et al (American Journal of Human Genetics, 63 (supplement): A185, October 1998, Abstract 1053) discloses the oligonucleotide of Claim 16 and provide the motivation to design primers as recited in Claim 18.

Adams et al disclose the oligonucleotides of Claims 14, 15 and 21 provide the motivation to design primers as recited in Claim 19.

Ulrich et al (U.S. Patent No. 5,851,999) disclose the oligonucleotides of Claims 14 and 17.

Claims 14-21 are very broadly drawn to oligonucleotides "comprising" 6-50 nucleotides having a sequence identical or complementary to a portion of SEQ ID NO: 1 except for one nucleotide. The complete set of 10-mers on an array of Brennan encompasses all possible sequences of 10 nucleotides and therefore encompasses the claimed oligos and arrays.

The other references cited above disclose the claimed regions recited in Claims 15-17 and 21 and provide adequate motivation to design primers as claimed in Claims 18 and 19.



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Fax Cover Sheet

Date: 17 Jul 2002

To: Nebela McMillan	From: BJ Forman
Application/Control Number: 09/375,248	Art Unit: 1634
Fax No.: 312-474-0448	Phone No.: (703) 306-5878
Voice No.: 312-474-6643	Return Fax No.: 6643(703) 308-4242
Re:	CC:

☐ Urgent ☐ For Review ☐ For Comment ☐ For Reply ☒ Per Your Request

Comments:

Please see attached Interview Summary, Brief Comments and Prior Art.

BJ Forman

Number of pages 21 including this page

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